SUPREME COURT OF THE UNITED STATES

90–1628 (3) GREGORY LYNN CUMMINS
v.
UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

91–5013 (4) WILLIAM TRIGG
v.
UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

91–5087 (5) MARIO ENRIQUEZ-NEVAREZ
v.
UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Nos. 90–1628, 91–5013, AND 91–5087. Decided November 12, 1991

The petitions for writs of certiorari are denied.

JUSTICE WHITE, dissenting.

In each of these cases, the petitioner has alleged that police used a traffic stop as a pretext for conducting a narcotics search. Gregory Cummins was stopped after he failed to proceed through an intersection when the traffic light turned green. *United States* v. *Cummins*, 920 F. 2d 498 (CA8 1990). William Trigg was arrested for driving with a suspended license. *United States* v. *Trigg*, 925 F. 2d 1064 (CA7 1991); *United States* v. *Trigg*, 878 F. 2d 1037 (CA7 1989). Mario Enriquez-Nevarez was pulled over after officers observed that his truck had a broken tail light. *United States* v. *Enriquez-Nevarez*, 931 F. 2d 890 (CA5

1991) (table). Each search led to the recovery of illegal drugs.

The Courts of Appeals for the Eighth, Seventh, and Fifth Circuits held that, because a reasonable police officer *could* have made the traffic stops, the evidence produced by the searches was admissible. See also *United States* v. *Causey*, 834 F. 2d 1179 (CA5 1987) (en banc). Cf. *United States* v. *Nersesian*, 824 F. 2d 1294 (CA2), cert. denied, 484 U. S. 958 (1987); *United States* v. *Hawkins*, 811 F. 2d 210 (CA3), cert. denied, 484 U. S. 833 (1987). The petitioners contend that the evidence should have been suppressed because no reasonable police officer *would* have made such traffic stops and hence the stops were pretexts to investigate other crimes for which there were not grounds to stop. See *United States* v. *Guzman*, 864 F. 2d 1512 (CA10 1988); *United States* v. *Smith*, 799 F. 2d 704 (CA11 1986).

In recent months, this Court has denied review of at least two other cases raising pretextual search claims. See, *e. g.*, *Anderson* v. *Illinois*, ___ U. S. ___ (1991); *Hope* v. *United States*, ___ U. S. ___ (1991). I would grant certiorari to address this recurring issue and to resolve the split in the Courts of Appeals.